UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,465	07/13/2001	Steven E. Swenson	MSFT-0584/167511.2	8067

41505 7590 07/17/2006

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER	
CHANG, JUNGWON	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,465	SWENSON ET AL.	
	Examiner	Art Unit	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/06 has been entered.

2. Claims 1-20 are presented for examination.

3. The co-pending application stated in the specification of the present application, on page 6, lines 11-14 has to be updated (i.e., Patent No. xx/yyy).
Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 9-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by de Vries et al. (US 6,704,738), hereinafter de Vries.

6. As to claim 1, de Vries discloses the invention as claimed, including a method for automatically performing digital signal processing (DSP) processing on media entities (col. 1, lines 8-31) comprising the steps of:

identifying media entity data including identifying a plurality of raw media entities (12, fig. 1) in a database for DSP processing (figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number");

processing said identified media entity data in a computing environment having at least one computer server (server, fig. 1) to create DSP processed media entity data (col. 5, lines 25-64); and

aggregating said DSP processed data for storage in a persistent data store (col. 1, lines 33-43; col. 2, lines 23-43).

7. As to claim 2, de Vries discloses an automated DSP processing process in accordance with the method of claim 1 wherein said identifying step comprises the steps of:

communicating with at least one data store having DSP unprocessed media entity data (col. 5, line 8 – col. 6, line 17);

generating data identifying information about said unprocessed media entity data

(figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number"); and

communicating said generated data identifying information for use in DSP processing (col. 5, lines 8-64, "generating a digital representation").

8. As to claim 3, de Vries discloses receiving DSP unprocessed media entity data (figs. 2-3); segmenting said DSP unprocessed media entity data for processing (col. 10, lines 32-38; col. 11, lines 57-61); and spawning at least one DSP process performing DSP functions and operations on said DSP unprocessed media entity data to produce DSP processed data (col. 9, lines 20-67).

9. As to claim 4, de Vries discloses copying data from a media entity data store having DSP unprocessed media entity to at least one portion of a computing environment performing DSP processing (col. 5, lines 8-24; col. 6, lines 18-60).

10. As to claim 5, de Vries discloses converting said unprocessed media entity data into a format consistent with DSP processing (col. 5, lines 8-24; col. 6, lines 18-60).

11. As to claim 6, de Vries discloses deleting the originally copied data once said converting is completed (deleting data is inherent).

12. As to claim 7, de Vries discloses collecting said DSP processing data for storage in a persistent DSP processed media entity data store (col. 1, lines 33-43; col. 2, lines 23-43).

13. As to claims 9 and10, they are rejected for the same reasons set forth in claim 1 above. In addition, de Vries discloses a computer readable medium bearing computer executable instructions (co. 26, "claim 25").

14. As to claim 11, it is rejected for the same reasons set forth in claim 1 above.

15. As to claim 12, it is rejected for the same reasons set forth in claim 1 above. In addition, de Vries discloses a media entity identification system that operates on at least one cooperating data store having DSP unprocessed media entities to identifying DSP unprocessed media entities (figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number"); a DSP processing system receiving said DSP unprocessed media entities (figs. 2-3) and performing DSP operations and/or function on said DSP unprocessed media entities to generated DSP processed media entities (col. 5, lines 25-64); and an aggregation system for aggregating DSP processed media entities into data sets representative of original DSP unprocessed media entity data sets for storage in a persistent data store having aggregating DSP processed media entities(col. 1, lines 33-43; col. 2, lines 23-43).

16. As to claim 13, de Vries discloses a distributed computing environment having at least two computer servers capable of executing distributed automated DSP processing processes (fig. 1; col. 4, line 53 – col. 5, line 7).

17. As to claim 14, de Vries discloses identification system generates identification information about DSP unprocessed media entities for communication to said DSP processing system (figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number").

18. As to claim 15, de Vries discloses employing said generated identification information to retrieve DSP unprocessed media entity data from said cooperating data store having said DSP unprocessed media entity data (figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number").

19. As to claim 16, de Vries discloses said DSP processing system spawns at least one DSP process on one of said least two computer servers to process said DSP unprocessed media entity data (col. 9, lines 20-67), said DSP process converting said DSP unprocessed media entity data to a data format consistent with DSP processing (col. 5, lines 8-24; col. 6, lines 18-60).

20. As to claim 17, de Vries discloses a communication means for communicating said DSP unprocessed media entity data from said DSP unprocessed media entity data store (figs. 1-2).

21. As to claim 19, it is rejected for the same reasons set forth in claims 1 and 12 above. In addition, de Vries discloses providing a computing environment capable of executing at least one DSP process, said DSP process identifying DSP unprocessed media entities and performing DSP functions and operations on said identified DSP unprocessed media entities to generate DSP processed media entities (figs. 8-10; col. 5, lines 8-24, "creating of an object in the meta database 26 corresponding to the raw audio/video data 12 and assign object an object identification number"),
wherein said computing environment is a distributed computing environment capable of running at least two parallel DSP processes;

providing a data store having at least one unprocessed media entity (col. 5, lines 8-24; col. 6, lines 61-64); and

providing a persistent data store capable of storing DSP processed media entities (col. 1, lines 33-43; col. 2, lines 23-43).

22. As to claim 20, de Vries discloses providing at least one communications means to communicate DSP processed media entities to participating users (col. 4, lines 53-66, "searching, browsing and retrieving").

23. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Vries et al. (US 6,704,738), hereinafter de Vries, in view of Blum et al. (US 5,918,223), hereinafter Blum.

24. As to claims 8 and 18, de Vries discloses collecting data for all DSP processed media entities (col. 2, lines 23-67); sorting data (col. 21, line 11 – col. 22, line 8, "rank" "weight"); and storing said aggregated DSP processed entity data set in a persistent data store (col. 1, lines 33-43; col. 2, lines 23-43). However, de Vries does not specifically disclose sorting the collected data. Blum discloses sorting the collected data (col. 11, line 25 – col. 12, line 33; col. 17, lines 9-33). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of de Vries and Blum because Blum's sorting the collected data would allow a database to create an ordered list of the most similar media (Blum, col. 18, lines 1-4).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
Van Ryzin, patent 6,393,430, Contois, patent 5,864,868 disclose a method and system for creating, modifying, and playing a custom playlist.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jungwon Chang
July 10, 2006